IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 772 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DABHI KANTIBHAI NARAYANBHAI

Versus

STATE OF GUJARAT

Appearance:

MS KD PARMAR for Petitioner

MR RM CHAUHAN, APP Respondents

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 04/08/2003

ORAL JUDGEMENT

Heard Ms. K.D. Parmar, learned Advocate for the petitioner and Mr. R.M. Chauhan, learned APP for the respondents. Rule. Learned APP Mr. Chauhan waives for respondents No. 1 to 3.

By request the Rule was heard forthwith.

The petitioner has preferred this Application stating that as a convict - prisoner he was eligible and entitled to get furlough leave and also applied for the same on 3.8.2002, but the same either is not decided or if decided, the petitioner has not received any communication in this respect from respondent No.3 IG Prison.

In the above view of the matter, this petition can be disposed of by directing I.G. Prison. Therefore, the respondent No.3 I.G. Prison is directed to decide the application of convict prisoner within 10 days from the date of receipt of the writ of this Court and communicate the decision on furlough leave applied by the convict immediately. However, if such furlough application, which according to the petitioner is dated 3rd of August, 2002, is decided by I.G. Prison, respondent No.3, then the decision shall immediately be communicated to the petitioner.

In the above view of the matter, this application is allowed. Rule is made absolute. DS permitted.

(J.R. Vora, J.)

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